

APPEAL NO. 031646
FILED JULY 29, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 23, 2003. The hearing officer determined that the appellant's (claimant) compensable lumbar spine injury does not extend to and include an injury to the cervical and/or thoracic spine.

The claimant appeals, contending that the hearing officer's decision is against the great weight of the evidence and citing documented instances of cervical and thoracic pain complaints in the medical records. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable lumbar spine injury on _____. The claimant testified how she sustained the injury lifting a box containing a VCR. As the hearing officer notes, while some of the early medical reports do document complaints of neck and thoracic pain, the doctors only diagnosed and treated a lumbar injury. Further, the claimant, in her Employee's Notice of Injury or Occupational Disease and Claim for Compensation (TWCC-41) dated May 24, 2002, only claimed a low back injury. The hearing officer comments that the mechanism of the injury does not appear consistent with an injury to the cervical and/or thoracic spine.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and deciding what facts the evidence had established. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge